

review with an inspector each provision of the compliance agreement, have facilities and equipment to carry out disinfection procedures or application of chemical materials in accordance with § 301.89-13, and meet applicable State training and certification standards under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 136b). Any person who enters into a compliance agreement with APHIS must agree to comply with the provisions of this subpart and any conditions imposed under this subpart.

§ 301.89-8 Cancellation of a certificate, limited permit, or compliance agreement.

Any certificate, limited permit, or compliance agreement may be canceled orally or in writing by an inspector whenever the inspector determines that the holder of the certificate or limited permit, or the person who has entered into the compliance agreement, has not complied with this subpart or any conditions imposed under this subpart. If the cancellation is oral, the cancellation will become effective immediately and the cancellation and the reasons for the cancellation will be confirmed in writing as soon as circumstances allow, but within 20 days after oral notification of the cancellation. Any person whose certificate, limited permit, or compliance agreement has been canceled may appeal the decision, in writing, within 10 days after receiving the written cancellation notice. The appeal must state all of the facts and reasons that the person wants the Administrator to consider in deciding the appeal. A hearing may be held to resolve any conflict as to any material fact. Rules of practice for the hearing will be adopted by the Administrator. As soon as practicable, the Administrator will grant or deny the appeal, in writing, stating the reasons for the decision.

from the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, 4700 River Road Unit 134, Riverdale, Maryland 20737-1236, or from the Karnal Bunt Project, 3658 E. Chipman Rd., Phoenix, Arizona 85040.

§ 301.89-9 Assembly and inspection of regulated articles.

(a) Persons requiring certification or other services must request the services of an inspector⁶ at least 24 hours before the services are needed.

(b) The regulated articles must be assembled at the place and in the manner the inspector designates as necessary to comply with this subpart.

§ 301.89-10 Attachment and disposition of certificates and limited permits.

(a) The consignor must ensure that the certificate or limited permit authorizing movement of a regulated article is, at all times during movement, attached to:

(1) The outside of the container enclosing the regulated article;

(2) The article itself, if it is not in a container; or

(3) The consignee's copy of the accompanying waybill: Provided, that the descriptions of the regulated article on the certificate or limited permit, and on the waybill, are sufficient to identify the regulated article; and

(b) The carrier must furnish the certificate or limited permit authorizing movement of a regulated article to the consignee at the shipment's destination.

§ 301.89-11 Costs and charges.

The services of the inspector during normal business hours will be furnished without cost to persons requiring the services.

The user will be responsible for all costs and charges arising from inspection and other services provided outside of normal business hours.

§ 301.89-12 Cleaning and disinfection.

(a) Used mechanized cultivating equipment, used seed-conditioning equipment, used mechanized harvesting equipment, used farm tools, and used mechanized soil-moving equipment must be cleaned and disinfected in accordance with § 301.89-12 prior to movement from a regulated area and, within a regulated area, prior to movement from a field that tested positive for Karnal bunt during the 1996-97 crop season.

⁶See footnote 3.

(b) Prior to movement from a regulated area, vegetable crops must be cleaned of all soil and plant debris, or be moved under limited permit to processing facilities approved by the Administrator.

§ 301.89-13 Treatments.

(a) All conveyances, mechanized farm equipment, seed-conditioning equipment, soil-moving equipment, farm tools, grain elevators and structures used for storing and handling wheat, durum wheat, or triticale required to be cleaned and disinfected under this subpart must be cleaned by removing all soil and plant debris and disinfected by one of the methods specified in paragraph (a)(1) through (a)(4). The treatment used must be that specified by an inspector if that treatment is deemed most effective in a given situation:

(1) Wetting all surfaces to the point of runoff with a solution of 1.5 percent sodium hypochlorite—e.g., with a solution of sodium hypochlorite mixed with water applied at the rate of 1 gallon of household chlorine bleach (5.2 percent sodium hypochlorite) mixed with 2.5 gallons of water—and letting stand for 15 minutes. The equipment or site should be thoroughly washed down after 15 minutes to minimize corrosion; or

(2) Applying steam to all surfaces until the point of runoff, and so that a critical temperature of 170 °F is reached at the point of contact;

(3) Cleaning with a solution of hot water and detergent, applied under pressure of at least 30 pounds per square inch, at a minimum temperature of 180 °F; or

(4) Fumigating with methyl bromide at the dosage of 15 pounds/1000 cubic feet for 96 hours.

(b) Soil, and straw/stalks/seed heads for decorative purposes must be treated by fumigation with methyl bromide at the dosage of 15 pounds/1000 cubic feet for 96 hours, except that straw may move outside the regulated area without treatment if it has been processed or manufactured prior to movement, and is intended for use indoors.

(c) Millfeed must be treated with a moist heat treatment of 170° F for at least 1 minute if the millfeed resulted

from the milling of grain from one of the following types of fields:

(1) Fields in which preharvest samples test positive for Karnal bunt during the 1996-1997 crop season; and

(2) Fields located in a restricted area.

(d) Seed for planting must be treated either:

(1) With 6.8 fl. oz. of Carboxin thiram (10 percent + 10 percent, 0.91 + 0.91 lb. ai./gal.) flowable liquid and 3 fluid ounces of pentachloronitrobenzene (2.23 lb. ai./gal.) per 100 pounds of seed; or

(2) With 4.0 fluid ounces of Carboxin thiram (1.67 + 1.67 lb. ai./gal.) flowable liquid and 3 fluid ounces of pentachloronitrobenzene (2.23 lb. ai./gal.) per 100 pounds of seed.

(e) Seed used for germplasm or for research purposes must be treated with a 1.5 percent aqueous solution of sodium hypochlorite (=30 percent household bleach) containing 2 ml. of Tween 20™ per liter agitated for 10 minutes at room temperature followed by a 15-minute rinse with clean, running water and then by drying, and either:

(1) With 6.8 fl. oz. of Carboxin thiram (10 percent + 10 percent, 0.91 + 0.91 lb. ai./gal.) flowable liquid and 3 fluid ounces of pentachloronitrobenzene (2.23 lb. ai./gal.) per 100 pounds of seed; or

(2) With 4.0 fluid ounces of Carboxin thiram (1.67 + 1.67 lb. ai./gal.) flowable liquid and 3 fluid ounces of pentachloronitrobenzene (2.23 lb. ai./gal.) per 100 pounds of seed.

(f) Bags, sacks, and containers used for seed infected with the pathogen of Karnal bunt must be fumigated with methyl bromide at the dosage of 15 pounds/1000 cubic feet for 96 hours.

§ 301.89-14 Compensation.

The following individuals are eligible to receive compensation from the United States Department of Agriculture (USDA) for losses or expenses incurred because of the Karnal bunt quarantine and emergency actions, as follows:

(a) *Growers who have destroyed crops.* Growers in New Mexico and Texas who have destroyed crops of wheat pursuant to an Emergency Action Notification (PPQ Form 523) issued by an inspector are eligible to be compensated at the rate of \$300 per acre of destroyed crop. To claim compensation, the grower